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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,838	01/05/2004	Bruce F. Field	T31.12-0013	8360

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EXAMINER

CARRILLO, BIBI SHARIDAN

ART UNIT PAPER NUMBER

1746

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,838

Applicant(s)

FIELD ET AL.

Examiner

Sharidan Carrillo

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 27-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04222004, 10042004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-26, drawn to a method for use in a hard surface cleaner,
classified in class 134, subclass 26.

II. Claims 27-42, drawn to a method for use in a hard surface cleaner,
classified in class 134, subclass 18.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have modes of operation.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Brian Kaul on 9/2/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27-42 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because it is unclear what type of method applicant intends to claim. For example, it is unclear whether applicant is trying to claim a cleaning method. Claims 9 and 22 are indefinite because it is unclear what one of ordinary skill in the art would consider as high and low pressure. Claims 12-13 and 24-25 are indefinite because it is unclear what one of ordinary skill in the art would consider as foam-like. Claims 7 and 20 are indefinite because it is unclear what one of ordinary skill in the art would consider as a labyrinthine fluid flow path. Claims 1 and 23 are indefinite because it is unclear what one of ordinary skill in the art would consider as a primary cleaning liquid.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Field et al. (6735811).

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Field et al. teach a method of cleaning a hard floor surface. In reference to claim 1, Field et al. teach a cleaning machine for delivering a cleaning liquid at a rate of 0.5GPM or less, preferably 0.2 GPM (col. 4, lines 55-65, col. 6, lines 1-12). In reference to the flow control device, refer to Figs. 3 and 5 and col. 5-6 bridging. In reference to claims 2-3, Field et al. teach a "bladder" which reads on a collapsible bad (col. 10, lines 35-40). In reference to claim 4, Field et al. teach a rate of less than 0.5 GPM. In reference to claim 5, refer to Fig. 3. In reference to claims 7-9, refer to Fig. 7 and col. 5, lines 43-66. In reference to claims 10-11, refer to col. 5, lines 7-25. In reference to claims 12-13, refer to col. 6, lines 25-40. In reference to claim 14, refer to Fig. 1.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (6735811) in view of Keepers et al. (6017163).

Field et al. fail to teach the limitations of claim 6. Keepers teaches a floor

cleaning machine having a controller to control the pump and thereby the liquid flow. It would have been within the level of the skilled artisan to have modified the method of Field et al. to provide a controller, as taught by Keepers for purposes of controlling the pump and flow rate. Additionally, it is notoriously well known in the art to use a computer, controller, or an automatic control means for activating the pump.

14. Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al. (6735811) in view of Koland et al. (3456279).

Field et al. fail to teach the limitations as recited in claim 15. However, in col. 10, lines 40-52, Field et al. teach that a plurality of cartridges can be used. In col. 6, lines 1-15 teaches the use of multiple orifices or other flow restriction configurations. Koland et al. teach a floor scrubber. In col. 1, lines 50-55, Koland et al. teach a plurality of liquids being dispensed from individual collapsible containers. In col. 3, lines 1-55, Koland teaches controlling the flow rate of each container separately via valves 119 and 123 for purposes of dispensing controlled volume of fluid from each container (Fig. 3). It would have been obvious to a person of ordinary skill in the art to have modified the method of Field et al. to include providing a plurality of processing liquids and delivering at a controlled rate a second processing liquid, as taught by Koland, for purposes of treating the floor surface. Additionally, it would have been within the level of the skilled artisan to include multiple cleaning agents and flow restriction members since Field teaches that multiple cartridges and multiple orifices can be used.

In reference to claims 16-17, refer to col. 10, lines 35-40 of Field et al. In reference to claim 18, refer to col. 4, lines 60-65. In reference to claim 19, refer to Fig.

3. In reference to claim 20, refer to Fig. 7 of Field. In reference to claims 21-22, refer to col. 5, lines 50-65 of Field. In reference to claim 23, refer to Fig. 3 of Field. In reference to claims 24-25, refer to col. 6, lines 26-45. In reference to claim 26, refer to Fig. 2 of Field.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Field teaches cleaning a floor surface.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on Monday-Friday, 6:00a.m-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bsc

Sharidan Carrillo
Primary Examiner
Art Unit 1746



SHARIDAN CARRILLO
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